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| 10/600,394 | 06/20/2003 | Ranjan K. Sen | 30835/303495 | 8526 |
| 45373 | 7590 | 03/05/2008 | EXAMINER | |
| MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) | | | SWEARINGEN, JEFFREY R | |
| 233 SOUTH WACKER DRIVE | | | | |
| 6300 SEARS TOWER | | | ART UNIT | PAPER NUMBER |
| CHICAGO, IL 60606 | | | 2145 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/600,394 | SEN, RANJAN K. | |
| | Examiner | Art Unit | |
| | Jeffrey R. Swearingen | 2145 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 December 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13, 19 and 20 is/are pending in the application.

4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11, 19-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 12/12/2007 have been fully considered but they are not persuasive.
2. Applicant argues the claimed invention is multi-tiered and more complex than Chu. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multi-tiered system, complexity) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
3. Applicant argues Chu maintains a dynamic service consistency file comprising a first representation in any one from the group of a tree, a graph, a linked list, or a table, Chu maintains a reference file comprising a second representation in any one from the group of a tree, a graph, a linked list, or a table, and comparing the two files. Chu compares information in databases. Chu, column 7, line 16. One of ordinary skill in the art is well aware that a database is comprised of tables of data which are compared with each other. Applicant's own database, Microsoft Access, is an excellent example of how a database is comprised of tables, which is an inherent feature of a database.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu et al. (US 6,718,376 B1).
6. In regard to claims 1 and 19-20, Chu disclosed:

maintaining a dynamic service consistency file containing entries to identify predefined service components that are currently available in the computer system, wherein the currently available predefined service component entries are linked according to their dependence, the dynamic service consistency file comprising a first representation in any one from the group of a tree, a graph, a linked list, or a table. Column 6, lines 5-28; column 7, lines 16-67

comparing the dynamic service consistency file to a reference file containing entries to identify the predefined service components in the computer system, wherein the predefined service component entries are linked in the reference file according to their dependency, the reference file comprising a second representation in any one from the group of a tree, a graph, a linked list, or a table; Column 6, lines 5-28

determining whether an inconsistency exists between service component entries within the dynamic service consistency file and the reference file; and column 6, lines 5-28

starting any lost predefined service component to correct any inconsistency based upon the determining step. Column 6, lines 5-28

Chu detects whether a service that normally is operational has failed – an inconsistency.

The detection of services that are operational and services that should be operational are inherently maintained in "files".

7. In regard to claim 2, Chu disclosed:

modifying the dynamic service consistency file based upon the starting step; and column 7, lines 31-59

repeating from the maintaining step. Column 7, lines 31-59

8. In regard to claim 3, Chu disclosed:

reading the reference file; column 7, lines 1-15

identifying the dependency services of the lost predefined service component according to the reference file; and column 7, lines 1-15

generating a log message to report the lost predefined service component including the identified dependency service components based upon the identifying step. Column 7, lines 1-15

Art Unit: 2145

9. In regard to claim 4, Chu disclosed:

saving the log message. Column 7, lines 1-15

10. In regard to claim 5, Chu disclosed:

reading the reference file; column 7, lines 1-15

identifying the dependency services of the lost predefined service component according to the reference file; column 7, lines 1-15

determining whether the lost predefined service component has been successfully started; column 7, lines 1-15

generating a log message to report the lost predefined service component according to the determination step, wherein the log message includes dependency service information of the lost predefined service component. Column 7, lines 1-15

11. In regard to claim 6, Chu disclosed:

generating an alert message to report the lost predefined service according to the determination step; and column 7, lines 1-15

sending the alert message to a user. Column 7, lines 1-15

12. In regard to claim 7, Chu disclosed:

identifying the currently available predefined service components; and column 8, lines 24-48

generating the dynamic service consistency file based upon the identifying step. Column 8, lines 24-48

13. In regard to claim 8, Chu disclosed:

determining whether a timeout has occurred; and column 7, lines 1-15

repeating the identifying step when a timeout has occurred based upon the determination step. Column 7, lines 1-15

14. In regard to claim 9, Chu disclosed:

inconsistency is based on at least one missing predefined service component in the dynamic service consistency file when compared to the reference file. Column 6, lines 5-28

Art Unit: 2145

15. In regard to claim 10, Chu disclosed:

the service components include any one from the group of a process, a service hosting process, a service, a provider service, and a dependency service. Column 6, lines 5-28

16. In regard to claim 11, Chu disclosed:

the predefined service components are installed service hosting processes or provider services that are depended upon by other services. Column 6, lines 5-28

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goyal US 5,202,985

Soejima et al. US 5,713,027

Caccavale US 5,819,033

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145